التذكرة بأصول الفقه

AL-TADHKIRAH BI-UṢŪL AL-FIQH

SHAYKH AL MUFĪD (D. 413 AH)

Mukhtaṣar al-Tadhkirah bi-Uṣūl al-Fiqh

Treatise on Uṣūl al-Fiqh

Authored by

Muḥammad ibn Muḥammad ibn Nuʿmān ibn ʿAbd al-Salām al-Ḥārithī al-Madhḥijī al-ʿUkbarī Al Mufid

(336–413 AH)

بِسْمِ اللَّهِ الرَّحْمَٰنِ الرَّحِيمِ

All praise belongs to Allāh, Who guided us to acknowledge His Oneness, and opened for us the doors of repentance and His Mercy, and placed in our hearts the light of certainty and tawḥīd. All praise is due to Him, Who covered our faults though He was able to expose them, and increased His favour upon us though we transgressed. All praise is due to Allāh, Whose mercy encompasses every sinner, and Whose generosity never ceases even with the most undeserving of His servants.

The sinful servant of Allāh, Sarim al-Mahdāwī, says: This is a translation of the short treatise titled Mukhtaṣar al-Tadhkirah bi-Uṣūl al-Fiqh, authored by al-Shaykh al-Mufīd (raḥimahullāh) one of the most eminent and foundational figures among the qudamāʾ (early classical scholars) of the Shīʿī school. It is among the earliest systematic works written on uṣūl al-fiqh, forming part of the bedrock of Shīʿī legal theory.

I humbly present this brief but profound treatise to the noble muʾminīn, in the hope that it becomes a source of learning, reflection, and revival of our intellectual heritage. May it remind us all of the divine worth of knowledge, as Allāh, Glorified is He, says: ***"Say: Are those who know equal to those who do not know?"*** [Qurʾān 39:9]

This translation was undertaken with the limited understanding of Arabic language bestowed upon me, and through the assistance of artificial intelligence, which I used solely as a tool, I have mentioned Arabic words along with English on places so that context can be easily understood . I make no claims to mastery, and I acknowledge the potential for mistakes and shortcomings in this work. But I relied upon the vast Mercy of Allāh, hoping that He may forgive me for any errors and grant me the sincerity of intention.

I request from you, dear reader, that in return for this humble effort, you remember me and my family in your duʿāʾ, for I am in desperate need of your prayers in both this world and the next.

And I end with the words of Allāh, the Most High: ***"Indeed, this Qur'ān guides to that which is most upright, and gives glad tidings to the believers who do righteous deeds, that theirs will be a great reward."***[Qurʾān 17:9]

— End of introduction —

In the Name of Allāh, the All-Beneficent, the Ever-Merciful.

All praise is due to Allāh, Who is worthy of praise and entitled to it. And may His blessings be upon His chosen ones from among His creation our master, Muḥammad, His Messenger, who attests to his truthfulness through His signs and upon the People of his House, the Aʾimmah who succeeded him by right.

You (may Allāh perpetuate your honor) asked me to record for you concise statements on the uṣūl al-fiqh, so that they may serve as a reminder for you regarding what is to be held as belief (al-muʿtaqad) in that field made easy for your benefit.

Thus, I have responded to your request and have fulfilled your intention and your desire, with the help of Allāh and His good success.

Know that the sources (uṣūl) of the sharʿī rulings are three things:

1. The Book of Allāh, Glorified be He,
2. The Sunnah of His Prophet (sww),
3. And the statements of the Pure Aʾimmah after him may the blessings and peace of Allāh be upon them.

And the methods that lead to knowledge of what has been legislated (al-mashrūʿ) from these sources are three:

The first is: intellect (ʿaql), which is the path to recognizing the authority (ḥujjiyyah) of the Qurʾān and the evidentiary nature of the reports (akhbār).

The second is: language (lisān), which is the path to understanding the meanings of speech.

And the third is: reports (akhbār), which are the means of establishing the particulars of the sources from the Book, the Sunnah, and the statements of the Aʾimmah (as).

The reports that lead to knowledge of what we have mentioned fall into three types:

1. A mutawātir report,
2. A solitary report (khabar wāḥid) accompanied by a contextual indicator (qarīnah) attesting to its truthfulness,
3. And a mursal (incomplete-chained) report which is accepted by the People of Truth (Ahl al-Ḥaqq) by consensus.

The meanings of the Qurʾān are of two kinds: ẓāhir (apparent) and bāṭin (hidden/inner).

The ẓāhir is that which conforms to the specific verbal expression (ʿibārah) according to the conventions of the people of the language, as in His saying, Exalted is He:

"Indeed, Allāh does not wrong the people at all, but it is the people who wrong themselves." (Qurʾān 10:44)

Those who are intelligent and familiar with the language understand from the apparent expression of this phrase what is intended.

As for the bāṭin, it is that which goes beyond the specific verbal expression and its direct meaning toward broader meanings (wujūh al-ittiṣāʿ), so the rational person requires additional evidence beyond the outward words to understand what is intended.

For example, His saying, Exalted is He:

"Establish the prayer and give the zakāh." (Qurʾān 2:43)

The term ṣalāh in its apparent linguistic sense means "supplication (duʿāʾ)" as commonly known among the people of the language and this meaning does not entail "establishment."

Likewise, zakāh in the language means "growth (namāʾ)" without dispute, and that too cannot literally be "given."

Thus, the meaning intended in the verse is not its outward expression; rather, it refers to a legislated matter (amr mashrūʿ).

The ṣalāh that is commanded here refers to specific actions that include standing, bowing, prostration, and sitting.

The zakāh that is commanded here refers to the extraction of a specific portion of wealth in a specified manner.

And this meaning is not understood from the outward statement thus, it is the bāṭin intended.

And the types of foundational meanings in the Qurʾān are four.

The first of them is: Command (amr), and what is metaphorically expressed using its wording.

The second of them is: Prohibition (nahy), and the usage of its wording for that purpose.

The third is: Report (khabar), along with the range encompassed by its wording.

The fourth is: Tacit approval (taqrīr), and the wording employed for it.

As for amr (command), it has verified forms in the language through which it is distinguished from other forms of speech, such as your saying: "Do (such-and-such)" (ifʿal), when it is expressed unconditionally and without restriction. Although this expression is also used in non-command contexts by way of extension and metaphor such as for requesting, permitting, creating and transforming, or threatening the unrestricted command implies obligation (wujūb), and it is not known to be recommended (nadb) unless there is an evidence (dalīl) indicating so.

When a command is tied to a specific time, the act becomes obligatory at the beginning of that time. Likewise, when it is unrestricted, it implies immediate execution and haste. However, it is not obligatory to perform it more than once, unless a proof establishes that repetition is required.

So if the command is repeated, then repetition of the action is also obligatory, unless there is evidence that the repetition is for the sake of emphasis (taʾkīd).

As for two commands when one is conjoined to the other (waʿṭafa aḥaduhumā ʿala al-ākhar), one must consider whether their forms are identical or different.

If they are identical in form, this indicates emphasis. But if they differ, then each has its own ruling.

The ruling regarding two reports (khabarayn) that are identical in form is the same as that of the two commands.

Fulfilling a command is sufficient for the one commanded and removes from him the obligation of that which was previously incumbent upon him.

When the wording of a command comes immediately after a prohibition, it indicates permission (ibāḥah) rather than obligation as in the saying of Allāh, Exalted is He: ***"Then when the prayer is concluded, disperse through the land…"*** (Qurʾān 62:10), after His saying: ***"When the call is made for the prayer on Friday, then hasten to the remembrance of Allāh…"*** (Qurʾān 62:9).

And if a command comes for multiple actions in a manner of choice, such as in the case of the expiation (kafārah) of an oath, then each of those actions is obligatory conditionally upon the choice of the one commanded and not obligatory collectively or absolutely.

That without which the action cannot be completed is also obligatory, just as the commanded act itself is obligatory.

Likewise, a command related to the result (musabbab) is evidence for the obligation of the cause (sabab).

And a command concerning a desired object is evidence for the obligation of the will toward it.

A command to do something is not in itself a prohibition of its opposite, but it implies a prohibition according to its indication that the opposite is forbidden (maḥẓūr). And since it is rationally impossible to combine both action and abandonment of that action, it necessitates the validity of a rational prohibition against the opposite of that which is commanded.

When the wording of a command is addressed using the masculine form, such as:

"O you who believe" (Qurʾān 2:104), or

"O you who are believers and Muslims", and the like then by its apparent meaning, it is directed toward men and not women.

No part of the feminine group is included under it except by some other evidence.

As for giving precedence to the masculine form (taghlīb) over the feminine this occurs only after both genders have been explicitly mentioned together, and then afterward they are referred to using the masculine form.

But when there has been no prior mention of the feminine using its specific word form, then no knowledge can be established upon the arrival of a masculine form that it is an instance of taghlīb, unless it is established by evidence that the speaker intended both men and women.

As for the word al-nās (the people), it is a term that includes both men and women.

Whereas the word al-qawm (the people/tribe) is a term that includes only men and not women.

When a command (amr) appears qualified by a specific attribute, thereby restricting it to some of the legally responsible individuals (mukallafīn), then it is limited to those possessing that attribute and does not extend to others except with evidence such as the saying of Allāh, the Exalted:

"O you who are enveloped [in a cloak], arise and warn!" (Qurʾān 74:1–2).

But when it appears with an attribute that is applicable to others beyond the one mentioned, it is addressed to all those included under that generality unless evidence exists that specifies (takhṣīṣ) otherwise such as the saying of the Exalted:

"O Prophet! When you [pl.] divorce women, divorce them at [the commencement of] their waiting period." (Qurʾān 65:1).

A command can only occur prior to the commanded act for it is rationally impossible (muḥāl) for a command to relate to something already existent.

The command is directed to a child with the condition of his attaining puberty (bulūgh), and likewise, it is directed to one who does not yet exist on the condition of his existence and his comprehension of the address (ʿaql al-khiṭāb).

The command may also justifiably be directed to one known to be incapable in the future of fulfilling what has been commanded, or to one who will be prevented from it, or one who will be terminated (yakhtarimu) before it due to the potential benefit (maṣlaḥah) to the commanded individual in his believing he

must act upon the command, and the divine kindness (luṭf) toward him by granting him reward based on his intention. Moreover, it may serve the betterment (istiṣlāḥ) of others among the legally responsible individuals through his being addressed with the command.

As for addressing the nonexistent, inanimate objects, and the dead, this is impossible (muḥāl).

The command (amr) is truly a command by its very essence and form (li-ʿaynihi wa-binafsihi).

As for prohibition (nahy), it likewise has a definitive linguistic form that distinguishes it from other kinds of speech, namely your saying: "Do not do (such-and-such)" (lā tafʿal), when it appears unconditionally.

In reality, prohibition, just like command, is not issued except toward someone below oneself in rank.

A prohibition entails continuous abstention unless there exists a condition that qualifies it such as a specific situation or time period.

As for a statement (khabar), it is that which admits of truth or falsehood. It possesses a distinct form through which it is separated from that which differs from it in meaning. Yet, its form may at times be borrowed (yustāʿāru) for that which is not a statement, just as the forms of other literal usages (ṣīgh al-ḥaqāʾiq) may be employed beyond their original context as a form of expansion and figurative usage (majāz).

Allāh, Mighty and Majestic, says:

"And whoever enters it shall be secure." (Qurʾān 3:97)

this is a phrase in the form of a khabar, yet the intended meaning is that of a command that whoever enters it should be made secure.

As for the term ʿāmm (general) in the context of speech: it is that whose expression conveys two or more [entities].

And the khāṣṣ (particular): is that which conveys [only] one, and excludes others for the root of particularity (khuṣūṣ) is oneness, and the root of generality (ʿumūm) is multiplicity.

At times, each of these may be expressed using the term of the other by way of analogy (tashabbuh) or figurative usage (tajawwuz). For example, Allāh, Exalted is He, says:

"Indeed, We have sent down the Reminder, and We shall surely preserve it." (Qurʾān 15:9)

thus He referred to Himself, though He is One (wāḥid), with the plural expression.

And He, Exalted is He, said:

"Those to whom the people said: Indeed, the people have gathered against you, so fear them. But it increased them in faith, and they said: Allāh is sufficient for us, and excellent is the Guardian." (Qurʾān 3:173)

The cause of the revelation of this verse is that a man said to Amīr al-Muʾminīn (as), shortly before the Battle of Uḥud: "Verily, Abū Sufyān has gathered the multitudes against you." So Amīr al-Muʾminīn (as) replied: "Allāh is sufficient for us, and excellent is the Guardian."

As for a specific expression that is used to signify a general meaning, it is like His saying, Exalted is He:

"And the angel will be on its edges." (Qurʾān 69:17)

but He intended [by this] the angels in general.

And His saying:

"O human! What has deceived you concerning your Lord, the Most Generous?" (Qurʾān 82:6)

the intent is: "O people!"

Any expression that conveys a plurality, yet without encompassing the entire genus, is in reality ʿāmm (general), but khāṣṣ (particular) in its relational application like His saying, Exalted is He:

"We opened to them the gates of everything." (Qurʾān 6:44)

yet the gates of Paradise and the gates of Hellfire were not opened to them.

And His saying:

"Then place on each mountain a part of them." (Qurʾān 2:260)

yet He only intended some of the mountains.

Or the saying of a speaker: “So-and-so came to us with all wonders.” and similar expressions of that kind are numerous. All of this is general in expression, but particular due to its failure to encompass the whole genus (quṣūruhu ʿan al-istiʿyāb).

As for completely encompassing generality (al-ʿumūm al-mustawʿib lil-jins): it is that which conveys, through speech, the ultimate extent of what falls under it, and can be expressed in linguistic terms.

Allāh, Exalted is He, says:

“And Allāh is Knowing of everything.” (Qurʾān 2:282)

“Everyone upon it is perishing, and the Face of your Lord, Possessor of Majesty and Honor, shall remain.” (Qurʾān 55:26–27)

As for the alfāẓ (terms) that are ascribed to ishtirāk (homonymy/shared usage), they fall into different categories:

Among them is a type constructed for a valid meaning shared across various kinds like the term "shayʾ" (thing) in its indefinite form. Though in the language it is designated for the mawjūd (existent) and not the maʿdūm (non-existent), it still encompasses substances (jawāhir), bodies (ajsām), and accidents (aʿrāḍ). However, for each of these that it includes, there are distinct terms designated in detail each term specifically constructed for its respective kind and not for others.

Another example includes terms such as: "rajul" (man), "insān" (human), and "bahīmah" (beast) these apply to types that differ in form and modality, but each of these terms, in its original construction, refers to a meaning that comprehensively includes all that falls under its signification.

Another category of shared words (mushtarak) is of a different kind such as the word ʿayn, which applies to the organ of sight, a spring of water, gold, the essence of things, a benefactor, the central point of a balance, and other meanings. This word, by itself, is not constructed for any one of the mentioned meanings. Rather, it is only part of the construction, and it is completed by contextual specification, whether through an added qualifier or a particular descriptor that takes its place.

When a word appears and is particularized by some indicator, then its ruling is to be considered ʿāmm (general) regarding all else that remains under it besides

the specified case. Such a usage is said to be general in a metaphorical sense (majāz), because it is transferred from what it was constructed for namely, full inclusiveness to something less than that, which is specification. The reality of majāz is the application of a term to something other than what it was originally coined for in the language. Thus, we say it is majāz.

If two general terms appear, each of which nullifies the ruling of the other, and there is no knowledge of which came earlier or later, then it is said: one is abrogated (mansūkh) and the other is the abrogator (nāsikh). In this case, it is obligatory to suspend judgment, and it is not permissible to make a ruling based on one of them without the presence of supporting evidence.

An example of this is the statement of Allāh, exalted is He:

"And those of you who die and leave wives behind shall bequeath for their wives provision for a year without being turned out." (Qurʾān 2:240)

This verse contains a general ruling concerning all wives left behind after the death of their husbands.

Then comes His saying:

"And those of you who die and leave wives behind they shall wait concerning themselves four months and ten days." (Qurʾān 2:234)

This also is a general ruling, and the two rulings are mutually contradictory. Were it not for the fact that it is established knowledge that one of them precedes the other and thus it becomes necessary to rule by the later of the two it would be obligatory to suspend judgment and avoid making a ruling based on either.

The same applies if two rulings come down concerning one case, one being general and the other specific, and the chronological order between them is unknown, and it is not possible to reconcile them. In such a case, suspension of judgment becomes necessary.

For example, it has been narrated from the Prophet (sww):

"There is no marriage except with a guardian (walī)."

And there is also narration from him saying:

"There is no authority for the guardian over the woman."

This second narration serves to specify the first. It is possible that it abrogates the first, and either could be the abrogator or the abrogated. Since there is no evidence to establish which rules over the other, we abandon both, and instead refer to the clear meaning of the verse:

"Then marry whomever you please of the women…" (Qurʾān 4:3) and His saying:

"And marry those among you who are single…" (Qurʾān 24:32)

in both of which the permissibility of marriage is affirmed absolutely, without the condition of a guardian (walī).

If there is a general term regarding a particular ruling, and along with it appears a specific term in that very same ruling, then it is obligatory to act upon the specific, and this is not the same as the first case.

An example of this is the statement of Allah, Exalted is He:

"And those who guard their private parts, except with their wives or those whom their right hands possess for verily, they are not blameworthy." (Qurʾān 23:5–6)

This is a general ruling stating that there is no blame upon engaging in intercourse with one's wives under any circumstance.

But then comes the specific ruling in His statement:

"And they ask you concerning menstruation. Say: It is harm, so keep away from women during menstruation and do not approach them until they become pure." (Qurʾān 2:222)

If we were to rule by the general wording of the first verse, then the ruling of the verse concerning menstruation would be entirely nullified.

But if we rule by what is in the second verse in terms of specification, then the general ruling of the first is not completely nullified in all aspects.

Thus, it becomes obligatory to rule in accordance with the verse of specification, so that practice can remain valid based on what has been clarified through both of them.

And if the specification precedes the general wording, or appears simultaneously with it, then it is not valid to claim that it abrogates its ruling because the

generality had never been established in the first place, such that a ruling would be stabilized for it. Rather, the general statement came into existence already specified, and thus the ruling follows the specific meaning.

Abrogation (naskh), however, is the removal of an already established ruling which, had it been left alone, would have continued to necessitate judgment in the future.

But the one who specifies a general term is not removing something that already fell under its scope. Rather, such specification indicates that the speaker intended a specific meaning, and did not intend the generality which the wording might otherwise indicate just as a proof for figurative usage (majāz) indicates that the one who used the word did not intend the literal meaning for which the term was coined, but rather intended something else, applying the term in a way contrary to its original usage.

General statements can only be specified by:

Reason (ʿaql),

The Qurʾān, or

Established Sunnah.

As for analogy (qiyās) and personal opinion (raʾy) these, according to us, are invalid in the Sharīʿah. They produce no knowledge, do not specify a general, nor generalize a specific, nor do they indicate any reality.

It is not permissible to specify a general ruling by means of khabar al-wāḥid (a solitary report), because such a report neither yields definitive knowledge nor obligates action. The only kinds of reports that can specify generality are those whose authenticity is conclusive from the Prophet (sww) or from one of the Imāms (as), such that no excuse remains for doubting their veracity.

It is also not correct in rational investigation to claim that generality is established through merely mentioning an action (fiʿl). Rather, this only becomes valid through explicit verbal constructs and their specified forms. So whoever tries to argue based on the generality of an action has opposed reason. That is because, for example, if it is narrated that the Prophet (sww) entered into iḥrām (state of pilgrimage consecration), it cannot be ruled that he entered into all the types of ḥajj ifrād, qirān, and tamattuʿ. Rather, it is only possible for him to have done one specific type.

However, if it is established that the Prophet (sww) said:

"The person in iḥrām does not contract a marriage (lā yankih al-muḥrim),"

then the general prohibition of marriage applies to all those in iḥrām, regardless of whether their iḥrām is for ifrād, qirān, tamattuʿ, or even a separate ʿumrah.

As for faḥwā al-khiṭāb (implied meaning of the address): it refers to what is understood from a statement even if not explicitly stated, based on the customary linguistic reasoning of the people of the language. For example, the statement of Allah, Exalted is He:

"And do not say to them [your parents], 'uff', and do not rebuke them." (Qurʾān 17:23)

From this sentence, not only is the explicit prohibition against saying "uff" understood, but also as is known by those familiar with the language any form of disrespect toward one's parents that is greater than saying "uff", whether verbal rebuke or similar types of acts. Even if the text does not explicitly list all such behaviors in detail.

Another example is the expression:

"Do not diminish so-and-so's right by even a single grain,"

which is understood by custom and language to prohibit any form of diminution, even more than a single grain.

There are many such examples.

As for dalīl al-khiṭāb (inferred meaning of a statement), it is when a ruling is attached to one specific attribute of a referent in speech this indicates that other cases not possessing that attribute, though still falling under the general category, are excluded from the ruling unless evidence proves otherwise.

For example, the ḥadīth of the Prophet (sww):

"Zakāh is [only] in freely grazing camels (sāʾimah)."

His specifying sāʾimah (those that graze freely) indicates that working camels (ʿāmilah) do not require zakāh unless evidence suggests otherwise.

Also, it is permissible to delay the clarification (bayān) of the intended meaning of a mujmal (ambiguous/general) statement, if doing so entails a benefit (luṭf) for the servants. This is not impossible.

For example, Allah, Exalted is He, commanded the people of Mūsā to slaughter a cow, and His intended meaning was that it be of specific characteristics, yet that clarification was not presented immediately with His statement:

"Indeed Allah commands you to slaughter a cow." (Qurʾān 2:67)

Rather, the clarification came later, as they asked and inquired, and it unfolded in a manner that was appropriate to their benefit.

Delaying clarification does not contradict the principle that a command requires immediacy and haste (al-fawr wa-al-bidār), because delaying clarification of a command that is set for a future time, whether through a particular wording or an accompanying proof, is not the same as the absolute command (amr muṭlaq) which is devoid of any indicators. That is the one we said necessitates immediacy and haste.

It is not permissible to delay the clarification (bayān) of a ʿāmm (general statement), because generality in and of itself entails comprehensiveness. So, if the Ḥakīm (Allāh or the infallible Imām) expresses a general statement while intending specification, but does not clarify it, then this amounts to obscurity and enigmatic speech (ilghāz). This is not like the delay in clarifying a mujmal (ambiguous statement) for between the two there is a clear distinction.

As for indefinite expressions (alfāẓ munkarah), they are originally formulated in the language to refer to a genus, not to a specific individual. Therefore, when a command pertains to a verb associated with an indefinite noun, the action must be carried out in a way that fulfills the generic sense of that term. Anything beyond that is surplus.

Among such cases is where the indefinite term implies the minimal unit included in the genus. For instance, when one says to another:

"Give in charity a dirham,"

then complying with this command is fulfilled by giving a single dirham, regardless of which dirham it may be.

However, a prohibition involving an indefinite noun is not like a command involving it because the command in this context implies limitation, whereas the prohibition implies generality.

For example, if the Prophet (sww) said to one of his companions:

"Do not hoard a dirham or a dīnār,"

this would imply the complete prohibition of hoarding anything from either.

But if he said:

"Give in charity a dirham and a dīnār,"

it would only imply giving those two, and not require exceeding them.

So, saying that a command using an indefinite noun necessitates acting upon any instance of the genus does not contradict what was previously mentioned about the delayed clarification regarding the command to the people of Mūsā (as) to slaughter a cow expressed in indefinite form because their context implies that there was some indication that made them pause and question. Their questioning itself is evidence of that.

Had the command lacked any contextual indication, then the mere use of indefiniteness (tankyīr) would have necessitated compliance with any instance of the genus.

From this same category is a command that comes in the form of duality and indefiniteness, like:

"Give so-and-so two dirhams."

Then it is obligatory to give any two dirhams, as per the same reasoning stated earlier.

Likewise, if the command is issued using a plural indefinite, like:

"Give in charity some dirhams,"

then this only entails the least possible number included in the plural, which is three, unless further clarification is provided.

And know that generality (ʿumūm) is of three types:

1. First type: That which arises from the root of plural that implies two or more, and this only applies to expressions restricted to duals in numerical usage it is general in the sense of inclusion (from two and above).
2. Second type: That which is expressed with an indefinite plural, like:

"Dirhams and dīnārs."

This cannot correctly apply to less than three.

3. Third type: That in which a sign of comprehensiveness (ʿalāmat al-istiʿrāb) appears such as through the definite article al- (alif wa-l-lām), or through the particle man which is used for condition and causality.

For example, if one says to his servant:

"Honor the scholars,"

then it becomes obligatory to honor all of them.

Or if he says:

"Whoever enters my house, I will honor him,"

it becomes obligatory to honor all those who enter his house.

As for manifest (ẓāhir) nouns: they are those whose realities are self-sufficient and do not require an antecedent.

And pronouns (kināyah): are those that cannot be initiated without a referent their ruling in terms of generality and specificity depends on what they refer back to.

Also, pronouns, conjunctions (ʿaṭf), and exceptions (istithnāʾ), when following multiple statements, then they refer to all of them unless there is an indicator that restricts them to some part thereof.

Whatever has been transmitted from Allāh, Glorified is He, and from His Messenger (sww), and from the rightly guided Imāms (as) after him, whether it was revealed due to a specific occasion or was in response to a question, then it is to be judged according to the form of its wording (ṣūrat lafẓih), and not to be restricted to the particular cause that occasioned it, such that it would remove it from the ruling implied by its apparent expression.

Its occurrence due to specific circumstances is not, by reason, custom, or language, contradictory to carrying it upon its literal truth (ḥaqīqah) in speech. It

is only obligatory to divert it from its apparent meaning if there exists an indication that prevents its literal application, due to contradiction (taḍādd).

Literal and metaphorical meanings (ḥaqāʾiq wa majāzāt) reside in expressions and phrases, not in the intended meanings (maʿānī al-maṭlūbāt).

The literal (ḥaqīqī) of speech is what conforms to the meaning for which it was coined in the original language.

The metaphorical (majāzī) is what is used to express other than its original meaning through similitude (tashbīh) and metaphor (istiʿārah) for a specific purpose, and for the sake of conciseness and brevity.

When speech is described as ẓāhir (apparent), and rulings are attached to it, then what is intended is its literal meaning. And when speech is judged as being metaphorical, then what is meant is the majāz (metaphorical usage). The same applies to taʾwīl (interpretation) and bāṭin (hidden meaning) they refer to the use of metaphorical expression and metaphor, as we have described.

To judge a statement as literal (ḥaqīqah) or metaphor (majāz), is not permissible except on the basis of a conclusive proof that yields certainty one may not rely on assumption or conjecture in this matter.

Knowledge of this comes by two methods:

1. Consensus of the people of the language.
2. Evidence that yields clear understanding (dalīl muthmir li-l-bayān).

As for the isolated usage of some linguists or of some Muslims who are not authoritative in belief and practice, then it is not relied upon in establishing the reality of speech.

Whenever a wording becomes ambiguous (iltabasa al-lafẓ), and no proof arises regarding its literal or metaphorical usage, it is obligatory to suspend judgment due to the absence of evidence.

One is mistaken who claims that all of the Qurʾān is metaphor, for the apparent language disproves that, and the rational and customary evidences bear witness that the majority of it is literal speech in the usage of the people of the language.

Likewise, one is mistaken who claims that it contains no metaphor, for he is contradicted by the saying of Allāh, the Exalted:

"They found in it a wall that wanted to collapse…" (Qurʾān 18:77) and other verses.

The correct statement is: some of it is literal and some of it is metaphorical.

As for discourse regarding prohibition (ḥaẓr) and permissibility (ibāḥah), then the intellects have no scope in knowing the permissibility of that which the Sharīʿah may report as being permissible, nor in prohibiting that which it may report as being prohibited. However, the intellect has never been isolated from the hearing (samʿ) regarding permissibility and prohibition.

If Allāh had compelled the rational beings, even for a single moment, to act without revelation, then He would have compelled them to commit what their minds deem vile (qabīḥ), through permitting what they have no way of knowing to be permissible or prohibited and He would have forced them into bewilderment (ḥayrah), which does not befit His wisdom.

According to us, there is no role for qiyās (analogical reasoning) or raʾy (opinion) in deriving religious rulings. Nothing of truth is known through them, and whoever relies on them in religious matters is misguided.

As for the intellect, it holds that it is permissible to abrogate (naskh) the Qurʾān with the Qurʾān, the Sunnah with the Sunnah, the Qurʾān with the Sunnah, and the Sunnah with the Qurʾān.

However, the samʿ (scripture) has come stating that Allāh does not abrogate His speech except with His own speech, as He said:

"Whatever verse We abrogate or cause to be forgotten, We bring forth one better than it or like it…" (Qurʾān 2:106).

So we know that the Qurʾān is not abrogated by the Sunnah. And we deem valid what we previously mentioned besides that.

As for ḥujjah (authoritative proof) in akhbār (reports), it lies in what leads to certainty through reflection upon it, by verifying the truthfulness of the one reporting it and the absence of doubt or suspicion. Any report that cannot be verified through consideration to ascertain the veracity of its transmitter is not a proof in religion, and no action is incumbent upon it in any circumstance.

The reports whose truth must be known through reflection are of two types:

1. Mutawātir (consecutively transmitted) reports, whose occurrence with falsehood is impossible without prearranged collusion or that which is equivalent in its concord.
2. A solitary report (khabar al-wāḥid) which is accompanied by what is equivalent to tawātur in evidencing the truth of its transmitter and in dispelling falsehood and corruption from it.

The tawātur we described is that which is transmitted by groups reaching a number and level of widespread diffusion that customary norms preclude their mutual agreement upon falsehood unlike two individuals who might relay sensational gossip (irjāf). This threshold is known to anyone acquainted with social customs.

It is also possible that a group, less than what we previously described in number, could transmit a report but from the state of the witnesses, their manner of narration, the tone of their speech, the expressions on their faces, and what is apparent of their intentions, it becomes known that they have not colluded, due to the impossibility of mutual recognition and consultation among them. Thus, knowledge of their state becomes evidence of their truthfulness and removes any ambiguity from their report even if they do not reach the previously mentioned number.

As for the solitary report (khabar al-wāḥid) that removes excuse, it is the one accompanied by an evidence which leads the reflective observer to certainty regarding the truth of the report. This evidence may be a rational proof, or a testimony of custom, or even an undisputed consensus. So whenever a solitary report is devoid of an evidence that gives certainty to its truth, then, as we stated earlier, it is not a proof, nor does it establish knowledge or require action in any case.

There is no ḥujjah in the ijmāʿ (consensus) of the Ummah by virtue of it being a consensus per se, but rather due to the presence of the infallible Imām within it. So, if it is established that they are all upon one view, then there is no doubt that this view is that of the Maʿṣūm (as). For if it were not so, then the report that they have all agreed would be false. Hence, proof by consensus is valid solely on this basis.

The principle of presumption of continuity (istishḥāb al-ḥāl) is obligatory, for the ruling of the current state is established with certainty, and what is established with certainty cannot be abandoned except by clear evidence.

When reports differ in wording, it is not valid to interpret all of them according to the literal meanings of speech, if one seeks to reconcile them harmoniously. Rather, it is valid to carry some of them upon the ḥaqīqah (literal meaning) and others upon the majāz (figurative meaning), such that this does not necessitate the invalidation of any.

If it is not possible to interpret some reports literally and others figuratively, then it is necessary that either one group among them is valid and the others are invalid, or that all are invalid unless the difference among them indicates abrogation (naskh).

That, however, applies only to the reports of the Prophet (sww) not to the reports of the Imāms (as), for they are not entrusted with changing any of the acts of worship nor with abrogation.